

REMARKS/ARGUMENT

Allowed and allowable claims

Applicants appreciate that the Examiner has indicated claims 5-8, 10, 12, 13, 19-24, 26, and 27 would be allowable if they are rewritten to include all of the limitations of the base claim and any intervening claims.

Rejection under 35 U.S.C. §102

Claims 1-4, 9, 11, 14-18, 25, and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Wright (U.S. Patent 5,873,335). For the following reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

As an initial matter, it should be noted that the Wright reference has been cited in the International Search Report and a German Office Action as a category A reference. A category A reference merely defines the general state of the art and is not considered to be of particular relevance. In other words, a category A reference does not anticipate the invention or render it obvious. A copy of the International Search Report was attached to the Information Disclosure Statement submitted February 13, 2004, and a copy of the German Office Action is attached herewith.

Based on a careful review of the Wright reference, Applicants agree with the international examiner and the German examiner on their assessment of the reference's relevance to Applicants' claimed invention, because some important features of the claimed invention are not disclosed the reference. For example, each of independent claims 1 and 15 recites "the opening spring acts on the lever...." This feature is not disclosed by Wright. In Wright, the second spring 26, which is considered by the Examiner as *an opening spring*, does not act on

the lever connected to the motor 18 (as shown in Figure 2), which is considered by the Examiner as a lever.

For another example, each of independent claims 1 and 15 recites that beyond a predetermined rocking frequency, the terminal positions are overcome by a ricochet movement produced by a resilient deformation of one of the two terminal abutments connected to the rotor. These features are also not disclosed by Wright. Indeed, Wright does not disclose anything that is even remotely related to these features.

First, Wright does not disclose that any of the cam followers 24, and 38, which are considered by the Examiner as "terminal abutments," is resilient. Second, even if the cam followers 24, and 38 are resilient, it does not disclose that the cam followers 24, and 38 can produce a ricochet movement of the rotor. Third, Wright does not disclose that the ricochet movement of the rotor can overcome the terminal positions. Finally, it does not disclose that all this takes place beyond a predetermined rocking frequency.

The Examiner contended these claimed features are disclosed at column 3, lines 28-67 and column 4, lines 45-60 of Wright. Applicants have carefully reviewed these sections of Wright but could not even find the slight hint to any of the claimed features.

In view of the above discussion, independent claims 1 and 15 are not anticipated by Wright. The rejected dependent claims are also not anticipated because they depend from independent claims 1 and 15.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the

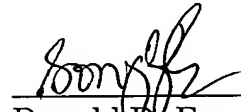
Application No. 10/777,215
Reply dated August 10, 2005
Response to Office Action dated February 10, 2005

application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.53195US).

Respectfully submitted,

August 10, 2005



Donald D. Evenson
Registration No. 26,160
Song Zhu, Ph.D.
Registration No. 44,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE:SZ:tlm (385506)